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# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

**Twenty-third session**

Vienna, 12-16 May 2014

Items 4 and 5 (d) of the provisional agenda*

**Thematic discussion on international cooperation in criminal matters**

**Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters**

**Saudi Arabia: draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

## International cooperation in criminal matters

*The General Assembly*,

*Recalling* the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1] and the United Nations Convention against Corruption,[2] as well as the United Nations legal instruments against terrorism,

*Concerned* that transnational organized crime has diversified globally and represents a threat to health and safety, security, good governance and the sustainable development of Member States,

*Convinced* that new and emerging forms of crime create significant challenges for Member States and that effective responses depend on strengthened international cooperation in criminal matters,

* E/CN.15/2014/1.

[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[2] Ibid., vol. 2349, No. 42146.



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*Emphasizing* the importance of strengthened and collaborative efforts by all Member States to ensure the creation and promotion of strategies and mechanisms in all areas of international cooperation, especially in extradition, mutual legal assistance, transfer of sentenced persons and the confiscation of proceeds of crime,

*Convinced* that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime,

*Conscious* of the need to respect human dignity, and recalling the rights conferred upon every person involved in criminal proceedings in accordance with international human rights standards,

*Recalling* its resolutions 45/117 of 14 December 1990 on the Model Treaty on Mutual Assistance in Criminal Matters and 53/112 of 9 December 1998 on mutual assistance and international cooperation in criminal matters,

*Recalling also* its resolutions 45/116 of 14 December 1990 on the Model Treaty on Extradition and 52/88 of 12 December 1997 on international cooperation in criminal matters,

*Recalling further* the adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the Model Agreement on the Transfer of Foreign Prisoners[3] and the recommendations on the treatment of foreign prisoners,[4]

*Recognizing* the significant contributions of the United Nations congresses on crime prevention and criminal justice in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

1. *Calls upon* Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas, such as witness testimony and the exchange of digital evidence;

2. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[5] the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[1] the United Nations Convention against Corruption[2] and United Nations legal instruments against terrorism;

3. *Calls upon* Member States to apply fully and consistently the provisions contained in the Organized Crime Convention and the Convention against

[3] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report of the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

[4] Ibid., annex II.

[5] United Nations, *Treaty Series*, vol. 1582, No. 27627.

Corruption, as well as other legal instruments pertaining to criminal justice matters that contain "extradite or prosecute" provisions, consistent with the rule of law and the requirements of a fair trial;

4. *Invites* Member States to conclude bilateral agreements or arrangements on international cooperation in criminal matters, and in doing so to give practical effect to the provisions of article 18 of the Organized Crime Convention, pertaining to mutual legal assistance;

5. *Encourages* Member States and relevant international organizations to strengthen cooperation and partnership with the United Nations Office on Drugs and Crime, which serves as the secretariat to the Convention against Corruption and the Organized Crime Convention and the Protocols thereto;

6. *Urges* Member States to establish central authorities responsible for executing mutual legal assistance requests in accordance with article 18, paragraph 13, of the Organized Crime Convention and to eliminate obstacles that impede mutual legal assistance in relation to all forms of serious crime applicable under the Convention, including new and emerging forms of crime;

7. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, in order to enhance the capacity of experts and staff of central authorities to effectively and expeditiously prepare, execute or oversee the execution of mutual legal assistance requests;

8. *Encourages* Member States to review national legal frameworks, policies and practices with regard to mutual legal assistance, extradition and the transfer of sentenced persons deprived of their liberty, for the purpose of adopting a flexible approach in order to facilitate cooperation and simplify procedures for cooperation among Member States;

9. *Calls upon* Member States to give priority consideration to humanitarian and social dimensions of the transfer of sentenced persons for the purpose of achieving the greatest possible cooperation in the transfer of foreign prisoners so that they serve the rest of their sentence in their own countries;

10. *Requests* the United Nations Office on Drugs and Crime to facilitate communication between central authorities at both the regional and the international level, for the purposes of providing mutual legal assistance and exchanging information;

11. *Also requests* the United Nations Office on Drugs and Crime to collect and disseminate information about national legal requirements of Member States concerning international cooperation in criminal matters;

12. *Further requests* the United Nations Office on Drugs and Crime to continue supporting the establishment and operation of regional cooperation networks for central authorities responsible for processing mutual legal assistance requests, so as to contribute to the exchange of experiences and strengthen knowledge-based expertise in the area of judicial cooperation in criminal matters, and to help to establish international networks and partnerships among Member States;

13. *Requests* the Commission on Crime Prevention and Criminal Justice to review the Model Treaty on Extradition,[6] the Model Treaty on Mutual Assistance in Criminal Matters,[7] the Model Agreement on the Transfer of Foreign Prisoners,[3] and the United Nations standards on the treatment of foreign prisoners, with a view to ensuring their alignment with the Organized Crime Convention and the Convention against Corruption, while taking into account recent challenges posed by new and emerging forms of crime, as well as humanitarian considerations;

14. *Requests* the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to provide input and advice to the Commission with regard to the performance of the tasks foreseen in paragraph 13 above;

15. *Requests* the Commission on Crime Prevention and Criminal Justice to submit to it the revised versions of the instruments cited in paragraph 13 above for its consideration and appropriate action.

[6] General Assembly resolution 45/116, annex, and resolution 52/88, annex.

[7] General Assembly resolution 45/117, annex, and resolution 53/112, annex I.